ONTED STATES DISTRICT COOKT		
SOUTHERN DISTRICT OF NEW YORK		
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TRUSTEES OF THE MASON TENDERS	· .	
DISTRICT COUNCIL WELFARE FUND), :	
PENSION FUND, ANNUITY FUND, AN	ID :	22 Civ. 10055 (LGS)
TRAINING PROGRAM FUND, et al.,	:	` ,
Plain	tiffs ·	ORDER
1 16111		ORDER
	:	
-against-	:	
_	:	
AMM CONSTRUCTION, INC.,	•	
Dete	ndant. :	
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LORNA G. SCHOFIELD, District Judge:

LINITED STATES DISTRICT COLIRT

WHEREAS, this action concerns a petition to confirm an arbitration award (the "Petition"). An Order issued December 9, 2022, scheduled an initial conference in this case for January 25, 2023.

WHEREAS, Respondent was served via the New York Secretary of State on December 13, 2022, but has not yet appeared in this action. Respondent was required to answer, move or otherwise respond to the Petition by January 3, 2023. *See* Fed. R. Civ. P. 12(a)(1)(A)(i).

WHEREAS, "default judgments in confirmation/vacatur proceedings are generally inappropriate." *D.H. Blair & Co., Inc. v. Gottdiener*, 462 F.3d 95, 109 (2d Cir. 2006). Instead, a district court should treat an unanswered petition to confirm or vacate an arbitration award "as an unopposed motion for summary judgment." *Id.* at 110; *accord Carroll v. Wells Fargo Clearing Servs., LLC*, No. 20 Civ. 4918, 2021 WL 634721, at *2 (S.D.N.Y. Feb. 17, 2021). It is hereby

ORDERED that the conference scheduled for January 25, 2023, is **CANCELLED**. It is further

ORDERED that by **January 25, 2023**, Plaintiffs shall serve the Petition and Civil Cover

Sheet, *see* Dkt. 4, on Defendant via Federal Express and file proof of service on the docket. It is further

ORDERED that by **January 25, 2023**, Plaintiffs shall file a letter on ECF describing their efforts to provide Defendant with actual notice of this lawsuit and proposing a briefing schedule for any contemplated memoranda of law in support of or in opposition to the Petition.

Dated: January 18, 2023

New York, New York

LORNA G. SCHOFIELD

UNITED STATES DISTRICT JUDGE